

**REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of May 22, 2006 (Office Action). As this response is timely filed within the three-month shortened statutory period, no fee is believed due. However, the Office is expressly authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951.

Claims 1-6, 10, 11, 13-20, 24, 26-28, and 30-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,920,725 to Ma, *et al.* (hereinafter Ma), in view of U.S. Patent No. 6,314,088 to Yamano (hereinafter Yamano). Claims 7 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ma, in view of Yamano, and further in view of Andrew S. Tanenbaum, "Computer Networks," 1996, Prentice Hall PTR, Third Ed. (hereinafter Tanenbaum). Claims 8, 9, 22, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ma, in view of Yamano, and further in view of Applicant's admitted prior art.

Applicants have amended independent Claims 1, 10, 15, 24, and 28 to emphasize certain aspects of the invention. Applicants also have amended dependent Claims 2 and 16 to emphasize certain additional aspects of the invention as well as to maintain consistency among each of the claims. Claims 11, 31, and 32 are hereby cancelled. As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced through the claim amendments presented.

**Applicants' Invention**

Prior to addressing the cited references, it may be helpful to reiterate certain aspects of Applicants' invention. One embodiment of the invention, typified by amended Claim 24, is a method for distributing real-time updates to active application components executing in an active client position. The method can include instantiating in the client position both a loader and a configuration client as part of a the client's a bootstrap procedure. (See, e.g., Specification, p. 9, lines 11-17.) During the bootstrap procedure,

according to the method, a bootstrap properties file containing both a resource locator for a configuration server and a position identifier can be read. (See, e.g., Specification, p. 11, lines 13-18.)

Additionally, the method can include performing an initial query of a configuration server using the position identifier as a search argument. (See, e.g., Specification, p. 12, lines 2-4.) In response to the initial query, a list of application components to be updated can be received. (See, e.g., Specification, p. 12, lines 5-10.)

Based upon the list, at least one secondary query can be performed. (See, e.g., Specification, p. 12, lines 11-16.) In response to the at least one secondary query, at least one executable module and configuration data for a corresponding application component can be received. (See, e.g., Specification, p. 12, lines 7-10.) When needed for execution of the corresponding application component, moreover, at least one server address can also be received. (See, e.g., Specification, p. 11, lines 7-10.)

The method further can include receiving updates to the active application components from the configuration client in response to the at least one secondary query from the active client position. Each update can correspond to at least one particular application component. Additionally, the method can include terminating the execution of each particular active application component having a received corresponding update. The method also can include applying the received updates to the corresponding application components, and re-executing the updated application components.

#### **The Claims Define Over The Prior Art**

Independent Claims 1, 10, 15, 24, and 28, as noted above, were each rejected over Ma in view of Yamano. Ma is directed to system that updates a "distributed-object client-server application with client objects and server objects." (See, e.g., Col. 4, lines 37-42.)

At pages 7 and 8 of the Office Action, it is stated that Ma teaches querying a configuration server during a bootstrap process so as to determine application

components to be updated. The entire portion of Ma cited in the Office Action as teaching this feature provides only the following:

"New instances of objects are created from the object description fetched from the meta server's database." (Col. 6, lines 4-6.)

Applicants respectfully submit, firstly, that this one-sentence reference to fetching an "object description" from a meta server database does not teach or suggest the elements of a bootstrap procedure, as taught in Applicants' invention. It is only conjecture that Ma's object-fetching step is part of a broader bootstrap procedure. The mere fact that a reference can be modified to include a feature of an invention, however, is never sufficient to establish *prima facie* obviousness. The mere fact that an inference might be drawn that the object-fetching step could be part of a bootstrap procedure is not sufficient to establish prima facie obviousness. *In re Fitch*, 972 F.2d 682 (Fed. Cir. 1992); *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990).

Moreover, when this one sentence is read in conjunction with the other relevant portions of Ma, any inference that the Ma's object-fetching step is effected as part of a comprehensive bootstrap procedure becomes at best dubious. In particular, Ma elsewhere states that

"[An] Object adaptor 80 is used as a proxy by the meta server to notify objects when updates are needed. Object caches subscribe to object adaptor 80 for a particular class by executing [different functions]." Col. 9, lines 8-11.)

As described, the object adaptor is used as a proxy by a server that is attempting to convey a notice to a client; it is not part of the client's contacting the server to ascertain

information regarding whether and which objects need to be updated as part of a client's bootstrap process. Moreover, as described and illustrated throughout the reference, Ma's object adaptor does not reside on a client or in anyway relate to a bootstrap procedure performed by the client. Indeed, Applicants respectfully note that Ma nowhere refers even generally to a bootstrap procedure.

More fundamentally, regardless of whether Ma's object-fetching step can be read as part of a client's performing a bootstrap process. Ma neither teaches nor suggests other features of Applicants' invention. For example, Ma's object-fetching step does not teach or suggest instantiating in a client position both a loader *and* a configuration client when the client position undergoes a bootstrap procedure, as recited in amended independent Claims 1, 10, 15, 24, and 28. Nothing in Ma's object-fetching step teaches or suggests, moreover, reading a bootstrap properties file. Ma nowhere describes a bootstrap properties file that explicitly includes either a resource locator for a configuration server or a position identifier for identifying the client position, as also recited in amended independent Claims 1, 10, 15, 24, and 28.

It follows, therefore, that Ma fails to teach or suggest performing an initial query of a configuration server using the position identifier as a search argument, as further recited in amended independent Claims 1, 10, 15, 24, and 28. It thus further follows that Ma also does not teach or suggest that, in response to the initial query based upon the initial query, a list of application components to be updated is received, as also cited in amended independent Claims 1, 10, 15, 24, and 28. Ma teaches only an object-fetching step, but not a bootstrap procedure. Ma does not teach or suggest any of the particular features of recited in connection with the bootstrap process effected with Applicants' invention.

Yamano is cited only as teaching only the co-location of both a platform and configuration client disposed in a single client position. Yamano, however, neither

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teaches nor suggests any of the features recited in amended independent Claims 1, 10, 15, 24, and 28.

Accordingly, even when combined, neither Ma nor Yamano teach or suggest every feature recited in amended independent Claims 1, 10, 15, 24, and 28. Applicants respectfully assert, therefore, that the claims define over the prior art. Applicants further respectfully assert that whereas the remaining dependent claims each depend from one of amended independent Claims 1, 10, 15, 24, and 28 while reciting additional features, the dependent claims likewise define over the prior art.

### CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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Gregory A. Nelson, Registration No. 30,577  
Richard A. Hinson, Registration No. 47,652  
Marc A. Boillot, Registration No. 56,164  
AKERMAN SENTERFITT  
Customer No. 40987  
Post Office Box 3188  
West Palm Beach, FL 33402-3188  
Telephone: (561) 653-5000